

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERIC ZUCKSCHWERDT,

Plaintiff,

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

Case No. 07-11084

Hon. Gerald E. Rosen

Magistrate Judge R. Steven Whalen

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on March 25, 2008

PRESENT: Honorable Gerald E. Rosen
United States District Judge

On October 31, 2007, Magistrate Judge R. Steven Whalen issued a Report and Recommendation ("R & R") recommending that the Court grant in part Plaintiff Eric Zuckschwerdt's motion for summary judgment and deny the Defendant Commissioner of Social Security's motion for summary judgment, and that this case be remanded for further administrative proceedings in light of the Administrative Law Judge's failure to fully assess Plaintiff's non-exertional limitations and their effect upon his residual functional capacity. Neither party has filed any objections to the R & R. Upon reviewing the R & R, the parties' cross-motions, and the record as a whole, the Court fully concurs

in the thorough analysis of the Magistrate Judge, and adopts the R & R in its entirety.

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's October 31, 2007 Report and Recommendation is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED that, for the reasons stated in the R & R, Plaintiff's motion for summary judgment is GRANTED IN PART, and Defendant's motion for summary judgment is DENIED.

s/Gerald E. Rosen
Gerald E. Rosen
United States District Judge

Dated: March 25, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 25, 2008, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager